IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2196 of 2000

with

SPECIAL CIVIL APPLICATION No 612 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAMESHCHANDRAJI AMRUTLAL THAKKAR

Versus

MUNICIPAL CORPORATION OF SURAT

Appearance:

1. Special Civil Application No. 2196 of 2000
   MR PANKAJ A KAPADIA for Petitioners No. 1-17
   MR PRASHANT G DESAI for Respondents No. 1-2
2. Special Civil Application No. 612 of 2000
   MR CL SONI for Petitioner No. 1
   MR PRASHANT G DESAI for Respondent No. 1

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 15/10/2001

COMMON ORAL JUDGEMENT

The petitioners, who are selling eatable items in lari gallas in front of Maharana Pratap Uddhan (Garden), Chopati, Nana Varachha, Surat have prayed for allotment of Pakka stalls constructed by the Corporation in that area. The petitioners state that stalls to be allotted by public auction by giving priorities to the petitioners only. The respondent has filed affidavit in reply. In the affidavit-in-reply, the Town Planner has pointed out that the Corporation has passed Resolution No. 80 dated 11.7.1979 and Resolution No. 1815/99 dated 23.12.1999 regarding allotment of the pakka stalls. It is mentioned in the said Resolutions that the Corporation shall invite tenders from the public at large, and then to the highest bidder, the pakka stalls will be allotted. Till then, pakka construction will not be allotted. It has also been pointed out that the Corporation has decided to allot the pakka stalls by auction and if the petitioners desire to get the pakka stalls, they may approach the Corporation and offer their price in the auction and or participate in the bidding.

2. Learned counsel appearing for the petitioners has agreed to take part in that public auction of the pakka stalls and for that each of the petitioner shall take part in the auction to be held by the Corporation by giving public notice in the news paper.

3. Once the public auction is going to take place, it is not desirable that the case of the petitioners be considered on priority basis on the ground that they are running their business in that locality since many years. As the petitioners are entitled to participate in the public auction, I do not see any reason to retain the petitions. As the Diwali is approaching, it is desirable that auction be taken place before Diwali. The interim relief granted by this court shall continue till 30.11.2001 to enable the petitioners to make alternative arrangement.

4. With the above observations/directions, these petitions stand disposed of. Notice is discharged.

(K.R. Vyas, J.)

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